

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FEDERAL DEPOSIT INSURANCE)
CORPORATION, AS RECEIVER)
FOR ALPHA BANK & TRUST)
FDIC-R,)
v.)
James A. Blackwell, et al.,)
Defendants.)

CIVIL ACTION FILE NO.:
1:11-CV-3423-RWS

FDIC-R'S NOTICE OF DESIGNATION OF EXPERT WITNESSES

Pursuant to Rule 26(a)(2)(A) of the Federal Rules of Civil Procedure, and Local Rule 26.2 of the Local Rules of this Court, Plaintiff Federal Deposit Insurance Company as Receiver for Alpha Bank & Trust ("FDIC-R") hereby serves Notice of its designation of experts to testify at trial on the FDIC-R's behalf:

1. Richard George: Mr. George will testify concerning the standard of care applicable to the Defendants in this case and will present his expert opinion and analysis as to how the Defendants deviated from the standard of care in their actions and inactions as Directors and Officers of Alpha Bank & Trust, particularly with respect to their approval of the loans that are the subject of the Complaint. Mr. George's opinions and

qualifications, opinions and bases therefor are included within his Report, which has been provided to Defendants' counsel.

2. Harry J. Potter: Mr. Potter will testify concerning the measure of damages sustained by the FDIC-R resulting from the failure of Defendants to follow the appropriate standard of care in approving the loan transactions that are the subject of the Complaint, and the commercial reasonableness of the disposition of the loan assets as part of its statutory duty. Mr. Potter's qualifications, opinions, and the bases therefore are included within his Report, which has been provided to Defendants' counsel.

Each expert reserves the right to supplement his opinions.

Each expert will be made available to deposition testimony prior to November 11, 2013, if possible; if circumstances prevent the depositions from taking place within the time up until November 11, 2013, Plaintiff's counsel and counsel for Defendants will confer and arrange to take depositions outside the discovery period.

These experts may be asked to provide supplemental opinions or opinions in rebuttal to any reports received by the FDIC-R from Defendants. Plaintiff will endeavor to provide any supplemental or rebuttal opinions prior to depositions.

Respectfully submitted this 21st day of October, 2013.

SIMKINS HOLLIS LAW GROUP, PC

/s/S. Paul Smith
Jeanne Simkins Hollis
Georgia Bar No. 646890
S. Paul Smith
Georgia Bar No. 663577
Jacquelyn D. Smith
Georgia Bar No. 320589
1924 Lenox Road, NE
Atlanta, GA 30306
(404) 474-2328 phone
(770) 587-0726 FAX
jshollis@shlglaw.com
*Attorneys for the Federal
Deposit Insurance
Corporation, as Receiver
for Alpha Bank & Trust*

LR 7.1 CERTIFICATE

Pursuant to L.R. 7.1D, counsel certifies that the foregoing complies with the font and point selections approved by the Court in L.R. 5.1.C. This document was prepared using Times New Roman font, 14-point.

/s/S. Paul Smith
S. Paul Smith
Simkins Hollis Law Group, P.C.

CERTIFICATE OF SERVICE

I certify that, on October 21, 2013, I served a copy of the foregoing to all counsel of record via the Court's ECF/EM filing system.

/s/S. Paul Smith
S. Paul Smith
Simkins Hollis Law Group, P.C.